

Entered - 01-22-03 - sb  
CL 03L0057 - GWENDOLYN BURNS

CLAIM OF: **CHERYL D. WILCOX**  
2760 Laurens Circle, SW  
Atlanta, Georgia 30311

03-*R*-1518


ADOPTED BY  
OCT 06 2003  
COUNCIL

For property damages alleged to have been sustained due to a sanitary sewer backup on July 18, 2002 at 2760 Laurens Circle, SW.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **CHERYL D. WILCOX** the sum of **\$5,538.61** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained due to a sanitary sewer backup on July 18, 2002 at 2760 Laurens Circle, SW as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/T31001**, Settlement of Suits and Claims, Department of Law.

APPROVED: **LINDA K. DISANTIS**  
CITY ATTORNEY

BY:   
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

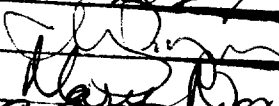
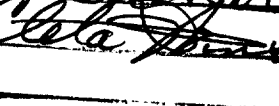

**FAVORABLE REPORT**

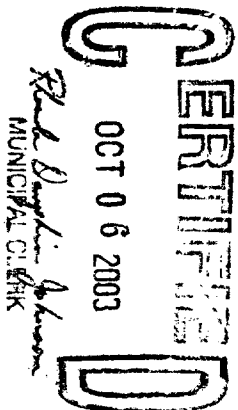
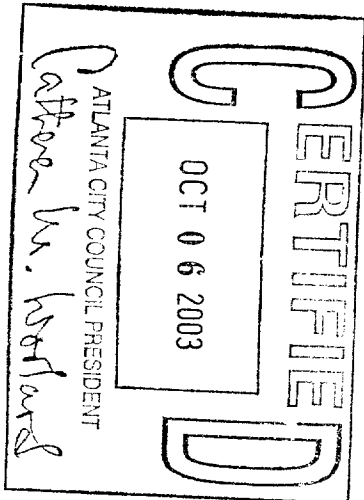
**PUBLIC SAFETY &**

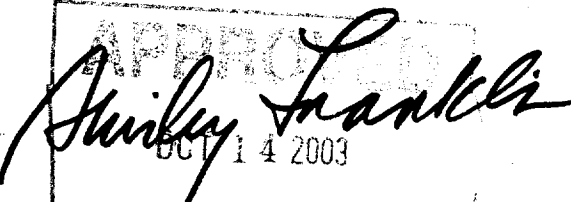
**LEGAL ADMINISTRATION COMMITTEE**

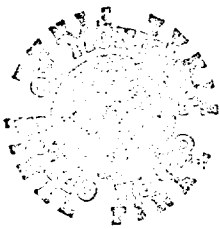
DATE: 9/22/03

CHAIR: 



  
OCT 14 2003  
**MAYOR**



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**03-R-1518**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Cheryl D. Wilcox** in the sum of **\$5,538.61** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **due to a sanitary sewer backup on July 18, 2002 at 2760 Laurens Circle, SW** as set forth in the within claim; said sum taken from and charged to Account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Phanda Daughin Johnson*  
Municipal Clerk, CMC

**ADOPTED by the Council  
APPROVED by the Mayor**

OCT 06, 2003  
OCT 14, 2003

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 03L0057

Date: September 16, 2003

Claimant /Victim CHERYL D. WILCOX  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 2760 Laurens Circle, SW, Atlanta, Georgia 30311  
Subrogation: Claim for Property damage \$ 7,205.93 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 1/16/03 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 7/18/02 Place: 2760 Laurens Circle, SW,  
Department WATERSHED MANAGEMENT Division SEWER OPERATIONS  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant sustained a sanitary sewer backup in her home on the above-listed date. An investigation determined that the City responded to the back up promptly, however, it failed to permanently correct the problem. Subsequent sewer work was done to replace and re-route the service lateral line, thereby, resolving the problem.

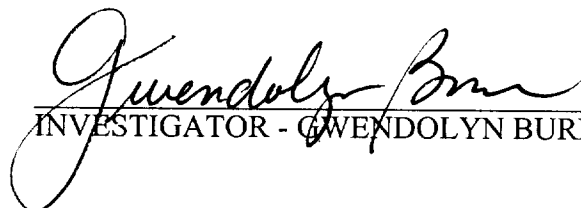
**INVESTIGATION:**

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_


**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ 5,538.61 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 09/16/03  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5041  
10/06/03  
2:05 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-14

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Boazman	NV Woolard

CONSENT I

10-06-03 Council Meeting		
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1475 2. 03-O-1471 3. 03-O-1438 4. 03-O-1442 5. 03-O-1452 6. 03-O-1380 7. 03-O-1478 8. 03-O-1479 9. 03-O-0953 10. 03-O-1455 11. 03-O-1476 12. 03-O-1481 13. 03-R-1498 14. 03-R-1499 15. 03-R-1582 16. 03-R-1583 17. 03-R-1502 18. 03-R-1503 19. 03-R-1505 20. 03-R-1506 21. 03-R-1507 22. 03-R-1488 23. 03-R-1489 24. 03-R-1490 25. 03-R-1491 26. 03-R-1492 27. 03-R-1495 28. 03-R-1513 29. 03-R-1514 30. 03-R-1515 31. 03-R-1516 32. 03-R-1517 33. 03-R-1518 34. 03-R-1519 35. 03-R-1520 36. 03-R-1579	37. 03-R-1521 38. 03-R-1522 39. 03-R-1523 40. 03-R-1524 41. 03-R-1525 42. 03-R-1526 43. 03-R-1527 44. 03-R-1528 45. 03-R-1529 46. 03-R-1530 47. 03-R-1531 48. 03-R-1532 49. 03-R-1533 50. 03-R-1534 51. 03-R-1535 52. 03-R-1536 53. 03-R-1537 54. 03-R-1538 55. 03-R-1539 56. 03-R-1540 57. 03-R-1541 58. 03-R-1542 59. 03-R-1543 60. 03-R-1544 61. 03-R-1545 62. 03-R-1546 63. 03-R-1547 64. 03-R-1548 65. 03-R-1549 66. 03-R-1550 67. 03-R-1551 68. 03-R-1552 69. 03-R-1553 70. 03-R-1554	71. 03-R-1555 72. 03-R-1556 73. 03-R-1557 74. 03-R-1558 75. 03-R-1559 76. 03-R-1560 77. 03-R-1561 78. 03-R-1562 79. 03-R-1563 80. 03-R-1564 81. 03-R-1565 82. 03-R-1566 83. 03-R-1567 84. 03-R-1568 85. 03-R-1569 86. 03-R-1570 87. 03-R-1571 88. 03-R-1572 89. 03-R-1573 90. 03-R-1574 91. 03-R-1575 92. 03-R-1576 93. 03-R-1577 94. 03-R-1578

Consent I Vote: 13 Yeas; 0Nays: (See RCS #5041)